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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/613,433	07/03/2003	Leonel Yanez Martinez	MX/JFC-Serv-001	5111
7590 Carmen Pili Ekstrom 727 Sunshine Dr. Los Altos, CA 94024			EXAMINER MAYO III, WILLIAM H	
			ART UNIT 2831	PAPER NUMBER
			MAIL DATE 06/02/2010	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte LEONEL YANEZ MARTINEZ, VICTOR OSORNIO OSORNIO,
and RAUL RODRIGUEZ CAMACHO

Appeal 2010-007993
Application 10/613,433
Technology Center 2800

Before STEVEN J. BARTLETT, *Support Division 2 Manager*.

ORDER REMANDING APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on May 24, 2010. A Docketing Notice was mailed on May 26, 2010. Upon review of the application, it has been determined that a remand to the Examiner is necessary to consider the following issues and to take necessary corrective action.

REPLY BRIEF NOT CONSIDERED

A Reply Brief was filed in this application on May 24, 2010. There is no evidence on the record indicating that the Examiner has considered the Reply Brief in accordance with 37 CFR § 41.43(a)(1) and MPEP § 1208, part II. However, it appears that the Reply Brief was untimely filed in accordance with 37 CFR § 41.41(a)(1). Per 37 CFR § 41.41(b), the appellant is to be notified that the Reply Brief is not in compliance with CFR § 41.41(a) and will not be considered.

Accordingly, it is ordered that the application is remanded to the Examiner:

- 1) to determine if the Reply Brief filed May 24, 2010 was filed timely;
- 2) if filed timely, considered the Reply Brief filed May 24, 2010;
- 3) if not filed timely, notify the appellant that the Reply Brief is not in compliance and will not be considered; and
- 4) for further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

babc

Carmen Pili Ekstrom
727 Sunshine Dr.
Los Altos, CA 94024